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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001957

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [SOCI](#) [NI](#)

SUBJECT: ELECTORAL REFORM DEBATE PROGRESSES BUT KEY CHANGES
UNLIKELY

Classified By: Political Counselor James P. McAnulty
for reasons in Sections 1.4. (b) and (d).

SUMMARY

¶1. (C) Senate hearings produced vigorous debate on the comprehensive proposals produced by the Electoral Reform Commission. While there is a consensus for relatively minor steps like financial autonomy for the Independent National Electoral Commission (INEC), views differed on a ban on office holders switching political parties, the establishment of proportional representation, the appointment and tenure of INEC commissioners, and the composition of judicial review bodies. As part of the reform push, former Lagos Governor Bola Tinubu led a 16-person delegation to the Embassy to urge USG support for an impartial INEC. Time may be running down to approve and ratify controversial electoral changes, but the electoral reform debate remains an important barometer of political intentions going into 2011; critical for a credible electoral outcome will be strong opposition parties and robust civil society engagement. END SUMMARY.

¶2. (SBU) Witnesses at the Senate Constitutional Review subcommittee hearings on October 13-15 agreed on the need for INEC financial independence. They advocated listing the INEC budget as a first-line charge on the federation account to insulate INEC officials from undue influence during the annual budgetary process.

¶3. (SBU) However, the issue of office holders switching parties after winning election generated heated debate. Constitution Reform Dialogue Mechanism Professor Donli supported a ban on aisle changing, but PDP Senator Bode Olajumo rebutted that the freedom to switch is a "moral issue" driven by changes in party ideology. Donli fired back that, in her view, no political party in Nigeria possesses any sort of ideology, beyond access to resources and oil revenue, which elicited widespread applause from the audience.

¶4. (SBU) Former Lagos State Governor and Southwest political heavyweight Bola Tinubu attributed the absence of violence during the 1992 elections to transparent voter registration and accreditation. He advocated an "open secret ballot" system, during which voters publicly deposited their privately marked ballots in the presence of other voters to discourage ballot stuffing.

15. (SBU) Tinubu bemoaned that political opponents suffered injury, or even death, for vying for office -- a situation he described as a "balance of terror" -- and urged senators to change this situation. As part of such efforts, he called for the use of biometrics, including finger prints, to develop a credible voter registration system, perhaps with assistance from the United Nations Development Program (UNDP).

16. (SBU) Transition Monitoring Group (TMG) representative Chibuike Mgbeahurike encouraged more election monitoring by civil society as well as the international community. He stated that both the police and INEC have "adversely affected" the conduct of elections, and called for more police training to allow them to provide security and a "level playing field" for candidates.
Q"level playing field" for candidates.

17. (SBU) Nigerian Society of Political Scientists President Pastor Samuel promoted proportional representation as an antidote to the current winner-take-all system that, he complained, fosters one party political domination, "do-or-die" tactics in pursuit of office, crises of legitimacy for the winner, and a dearth of women and ethnic minorities in politics. Samuel maintained that proportional representation would better suit the "tensions" of a pluralistic, divided society like Nigeria.

18. (SBU) Coalition of Democrats for Electoral Reforms (CODER) Publicity Secretary Ayo Opadokun brought cheers and laughs while urging the committee to adopt reforms to discourage "political buccaneers" from pillaging public coffers. He

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suggested there be a presumption of guilt, rather than innocence, when prosecutors level corruption charges against public office holders. Several senators took strong exception to Opadokun's proposal.

19. (SBU) Joint National Association of Persons with Disabilities representative Bahiru Danleми asserted that the constitution lacked provisions for those with disabilities who wished to vote, including use of audio ballots, ballots in Braille or large print, or alternatives to finger printing for illiterate voters missing fingers. He advocated express lines for voters with disabilities, sign language interpreters in the National Assembly, and special seating arrangements in the chambers.

DELEGATION VISITS EMBASSY

110. (SBU) On October 22, a 16-person delegation of the Coalition of Democrats for Electoral Reforms (CODER) called on EmbOffs to seek USG support for reform. The group, led by former Lagos Governor Tinubu, included the former Deputy Governor of Anambra State, the Deputy Senate Minority Leader and the House Minority Whip, other former and current National Assembly representatives, and former ministers.

111. (SBU) Tinubu stressed the "urgency and crisis" facing Nigeria's electoral system. He cited incidents of intimidation, violence, and corruption in Ekiti, Bauchi, and Anambra state elections as proof of Nigeria's "illegitimate" democracy, and warned that, unless authorities implemented Justice Uwais' proposed reforms, the 2011 elections would lack credibility. He charged that the Yar'Adua administration had "watered down" the recommendations, the most important of which was establishing a "completely independent" INEC. He argued that the executive branch should not appoint the electoral body's leadership, and that the judiciary is the only "non-partisan" branch of government that can produce suitable short lists for INEC appointments.

112. (C) Tinubu declared his group's readiness to establish a

formal platform to contest the 2011 elections. Admitting that they could fall short of victory, he defined success for opposition parties as effective competition in a process with a credible and legitimate outcome. He praised remarks by senior USG officials on the imperative of electoral reform as courageous "speaking truth to power," and he urged the USG to exert strong pressure for meaningful reforms and a level playing field. Tinubu's colleagues said they would seek help from the UNDP and other donors to develop a new voter registration system, including biometrics to help reduce fraud.

COMMENT

¶13. (C) While some relatively minor reforms like changing INEC's funding mechanism appear on track, prospects look poor for major steps like making INEC itself truly independent or changing the way voters are registered. Moreover, the cumbersome process for ratifying constitutional amendments suggests the window for action is steadily closing. Electoral reform remains an important barometer of political intentions going into 2011, but equally important for a Qintentions going into 2011, but equally important for a credible electoral outcome will be strong opposition parties and robust civil society engagement as both monitors and direct participants.

¶14. (U) Embassy coordinated this telegram with ConGen Lagos.

SANDERS